

It is essential that our committee have the information it needs to evaluate the current delivery system—exposing barriers that prevent collaboration, that prevent networking, that prevent innovation, and that prevent the sharing of resources.

It is my hope that this GAO report will help all policymakers begin to understand where the delivery system is working, where it is not, and offer the recommendations that are so important and so needed to streamline and to modernize it.

I encourage my colleagues to support the amendment.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF DR. JAMES ALBERT YOUNG

Mr. REID. Madam President, today I want to recognize and honor an individual who has committed much of his life to the preservation of Western rangeland and its ecosystems. Dr. James Albert Young retired on January 3, 2008, from the U.S. Department of Agriculture Agricultural Research Service after 33 years of dedicated work on issues important to the environmental health of the Great Basin.

The Great Basin is North America's largest desert, encompassing 135 million acres of land between the Rocky and Sierra Nevada Mountains in western North America. It includes parts of Nevada, Utah, Idaho, Oregon, and California. Land in the Great Basin is arid, receiving less than 12 inches of rain annually. Today, population growth, wildfires, and invasive species are reducing the quality of native rangelands at an accelerating rate. Recent studies by the U.S. Geological Survey and others predict that climate change could well be expected to accelerate these changes and associated impacts. Dr. Young's professional life was focused on understanding the specific challenges facing the Great Basin, finding ways to reverse the trends that threaten its environmental health, and educating people about the uniqueness of this beautiful land.

In 1965, Dr. Young started his career with USDA's Agricultural Research

Service as a range scientist for the range and pasture unit in Reno, NV. He served as research leader of that unit from 1986 to 1998 and was known by many as the "Encyclopedia of Western Rangelands." Over the years his expertise and commitment to rangeland issues was recognized through various awards, such as United States Department of Agriculture Scientist of the Year, Weed Science Society of America Award of Excellence, Society for Range Management W. R. Chapline Research Award, Outstanding Achievement Award, and Fellow Award, as well as the Society for Range Management Nevada Section Researcher of the Year Award.

The State of Nevada awarded Dr. Young with the very first Nevada Weed Management Award, which they named the "James A. Young Award," for his tireless work on invasive weed management issues. Dr. Young has authored and co-authored over 700 scientific articles, including many books. His books have received national recognition, some of which include "Collecting, Processing, and Germinating Seeds of Wildland Plants"; "Endless Tracks in the Woods"; "Purshia: The Wild and Bitter Roses"; and "Cattle in the Cold Desert." Dr. Young recently finished a book, "Cheatgrass: Fire and Forage on the Range," which is an illustration of the breadth of knowledge that he has on the most popular weed in the Intermountain West. It is often stated that Dr. Young has probably forgotten more information on the ecology of Western rangelands that most people in resource management will ever learn.

Early in Dr. Young's career he developed the hypothesis that the nature and structure of a wildland plant community is largely controlled by the process that eliminated the previous plant community that occupied the site. Now known as the stand renewal process, this hypothesis is one of his ecological trademarks.

Dr. Young was also an outstanding educator. Over the years, he introduced dozens of high school and college students to the field of range science, some of whom became Area Directors for the Agricultural Research Service. His continued interest in educating natural resource specialists, as well as the general public, on science based management of Natural Resources has been a tremendous achievement over his career.

We owe a great debt to individuals like Dr. Young who, make their life's work protecting our natural world. Thank you, Dr. Young, for all you have done.

GOLD MEDAL FOR AUNG SAN SUU KYI

Mr. McCONNEL. Madam President, I am proud once again to join my friend and colleague, Senator FEINSTEIN, on a matter involving the promotion of freedom and reconciliation in Burma. Today, we join together in support of

awarding the Congressional Gold Medal to Burma's Aung San Suu Kyi.

When first established in 1776, the Congressional Gold Medal was given to military leaders for their achievements in battle. Since that time, it has become America's highest civilian honor, having been bestowed upon great friends of freedom such as Winston Churchill, Nelson Mandela, and Martin Luther King, Jr. Granting Suu Kyi the Gold Medal would continue that same tradition of honoring heroism in the defense of liberty.

For more than 20 years, Aung San Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta. She and her supporters have combated the brutality of the junta with peaceful protest and resistance. She has chosen dignity as her weapon, and she has found allies in democracy-loving people around the world to aid her in her struggle.

Even as I speak, Suu Kyi's non-violent fight for democracy continues. Just last week, the Burmese junta announced that it would hold a general election in 2010. However, under the regime's sham plan for democracy, it would not even permit the country's foremost democracy activist, Suu Kyi, to hold public office.

The military junta is fooling no one with its false promises of reform, least of all, Suu Kyi and her allies. After all, she remains under house arrest, as she has for 12 of the last 18 years. That said, as the regime continues to suppress the voices of freedom and peace, it can be sure that there will be those of us who will stand with Suu Kyi and the people of Burma as they continue their struggle for democracy and justice.

By awarding Suu Kyi the Congressional Gold Medal, we are letting the Burmese military junta and the world know that the people of America will continue to speak out in favor of meaningful reform in her country.

It is particularly fitting that today, February 13 is the birthday of Suu Kyi's father. Aung San helped lead the struggle for Burmese independence after World War II, but was assassinated just before its achievement. What could be a more fitting way to honor the memory of a man who fought for freedom than by rewarding his noble daughter for continuing his legacy? In so doing, we reward them both with the promise that the United States will remain committed to the same cause, that of a peaceful and free Burma.

FISA AMENDMENTS ACT

Mr. REED. Madam President, we have had a lengthy debate, and in the end I decided to vote against final passage of S. 2248, the FISA Amendments Act of 2007.

First, I commend Senators ROCKEFELLER and BOND for recognizing immediately that the Protect America

Act, passed in August, needed modifications. S. 2248 does improve FISA procedures. The bill increases the role of the FISA Court with respect to targeting. It mandates FISA Court review and approval of the minimization procedures governing the protection of identities and nonpublic information about U.S. persons. This bill also provides statutory rules for the use of information acquired under it.

However, when S. 2248 came before the full Senate for debate, I, and many of my colleagues, believed that additional protections and clarifications could and should be added. But it soon became clear that all such measures would be defeated.

I was particularly disappointed that Senator FEINSTEIN's amendment on exclusivity did not pass. I believe it is very important to reiterate that FISA is the exclusive means for conducting surveillance on Americans for foreign intelligence purposes. I would have thought that every member of the Senate would have been interested in clarifying what the administration was authorized to do under the laws that Congress passes rather than allowing the administration to boldly and erroneously assert authorities from the Authorization for the Use of Military Force against al-Qaida and the Taliban. But unfortunately I was wrong.

I also admit that I had serious concerns about granting retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. One of my concerns is regarding the accessibility of information. First, my colleagues on the Judiciary Committee and Intelligence Committee were allowed to read the necessary documents only after extensive negotiations with the administration. I, and the rest of my Senate colleagues who are not on those committees, were denied access to those documents. In addition, the telecommunications companies who have been named in several lawsuits have been prohibited by the Government from providing any information regarding this issue to the courts, to the plaintiffs, to Members of Congress, or to the public. Yet we were asked to blindly vote for retroactive immunity, which is something I simply could not do. Therefore I supported Senator DODD's amendment to strike immunity, but it did not pass.

I was then willing to consider some compromise approaches, such as the Specter and Whitehouse amendment, which would have substituted the Government for the telecommunications companies in civil suits, or Senator FEINSTEIN's amendment, which would have provided for the FISA Court's review of the telecommunications companies to determine if immunity should apply. However, neither of these amendments was able to secure enough votes to pass. At the end of day, retroactive immunity remained in the bill,

setting what I believe could be a dangerous precedent.

S. 2248 is indeed an improvement over the Protect America Act. But in my judgment, it still did not provide enough protections to American citizens and did not provide ample justification for retroactive immunity for telecommunications companies. I therefore voted to oppose the bill. I hope to continue to work with my colleagues to pass the modifications I believe are needed.

Mr. CARDIN. Madam President, I rise today in opposition to final passage of S. 2248, the FISA, Foreign Intelligence Surveillance Act, Amendments Act. I am disappointed that the Senate has failed to adequately improve the Protect America Act, PAA, which Congress enacted in August 2007 and which I voted against.

The President should have the necessary authority to track terrorists, intercept their communications, and disrupt their plots. Congress should make needed changes to FISA to account for changes in technology and rulings from the FISA Court involving purely international communications that pass through telecommunications routes in the United States. While we have a solemn obligation to protect the American people, we must simultaneously uphold the Constitution and protect our civil liberties.

After learning about executive branch abuses in the 1960s and 1970s, Congress passed very specific laws which authorize electronic surveillance. Congress has regularly updated these measures over the years to provide the executive branch the tools it needs to investigate terrorists, while preserving essential oversight mechanisms for the courts and the Congress. FISA requires the Government to seek an order or warrant from the FISA Court before conducting electronic surveillance that may involve U.S. persons. The act also provides for postsurveillance notice to the FISA Court by the Attorney General in an emergency.

I am very concerned that the FISA law was disregarded by the administration and want to ensure that we put an end to this type of abuse. We are a nation of laws, and no one is above the law, including the President and Attorney General. Congress has the right to know the extent of the warrantless wiretapping program and how it was initiated and changed over the years by this administration.

I voted in favor of the Judiciary Committee substitute to the Intelligence Committee bill. The Judiciary Committee version strengthened congressional and judicial review, including increasing the oversight by the FISA Court of the administration's wiretapping program. I am therefore very disappointed that the Senate rejected the Judiciary Committee substitute and that the Senate has rejected numerous amendments—including an amendment that I had offered—to improve this legislation.

I am hopeful that the House will make much needed improvements in this legislation during conference and that I can support balanced legislation that gives the intelligence community the tools it needs to track terrorists and prevent attacks, while maintaining safeguards against the abuse of power by the executive branch. I will continue to work to ensure the safety and security of the American people, as well as their civil liberties. Domestic eavesdropping raises serious and fundamental questions regarding the conduct of the war against terrorism, the privacy rights of Americans, and the separation of powers between the legislative, executive, and judicial branches. Congress must continue to work to strike the right balance, and we have not achieved that goal today.

Mr. KERRY. Madam President, I believe the FISA bill that passed the Senate yesterday could have and should have been a better bill. There is no charitable explanation for why the U.S. Senate failed to pass a bill that demonstrates at once that we can protect our national security and protect the Constitution of the United States and the rights of law-abiding American citizens at the same time.

September 11 was a wakeup call for millions about a global struggle against extremism—and the need to modernize our Government to win that struggle. September 11 also began a debate in our country over how we can win the struggle against extremists without losing sight of who we are and what we value as Americans. Former Supreme Court Justice Sandra Day O'Connor described the challenge best:

We must preserve our commitment at home to the principles for which we fight abroad.

Congress has a duty to protect the American people—and to protect the Constitution. That is the oath we take. It is a solemn pledge. That is why this debate, and this vote in the Senate is so disappointing: This latest FISA law does not live up to the words we speak when we take that oath in the Senate. Instead, rather than produce a bill that made us stronger in the fight against extremism, colleagues on the other side of the aisle summarily rejected every effort this week to give the President of the United States the added flexibility needed to hunt down and capture terrorists while protecting the rights of law-abiding Americans.

More than 6 years after 9/11, we are still searching to strike this proper balance. Once again, in the latest rushed effort in the face of partisan fear-mongering, the world's greatest deliberate body missed an opportunity to get it right.

Make no mistake, today's bill is a marked improvement over the Protect America Act. But this issue is far too critical to settle for half-measures and insufficient improvements. This bill doesn't do enough to protect independent judicial oversight by the Foreign Intelligence Surveillance Court,

FISC, of sweeping Government powers. It doesn't provide the FISC the authority to assess the Government's ongoing compliance with its wiretapping procedures, and doesn't set limits on the way the Government uses information acquired about Americans.

Instead, this bill leaves Americans vulnerable to continued overreaching by the executive branch. It allows the President to rely on other statutory authorities to circumvent the will of the people and conduct warrantless foreign intelligence surveillance, permits limitless "fishing expeditions"—so-called bulk collection of all communications between the United States and overseas—and lets the government eavesdrop on Americans under the guise of targeting foreigners—what is known as "reverse targeting." If we have learned anything from over 7 years of the Bush administration, it is that we cannot simply hand them a blank check and trust that they will not abuse it.

The Judiciary Committee's FISA bill recognized the need for this type of robust judicial and congressional oversight in the face of ever-expanding Executive power. It systematically sought to create all of the aforementioned safeguards on liberty, while making sure to give the President the expanded set of tools required to fight terrorism in the digital age. That is the bill we should have passed.

Most importantly, unlike the FISA bill that passed the Senate yesterday, the Judiciary Committee's version did not grant amnesty to telecommunications providers that were complicit in the Administration's warrantless spying program. The administration may well be deliberately stonewalling to avoid a judgment day in court. Yet, today, the Senate rewarded the President's obstructionism, providing him cover to seek political security under the guise of national security. That is wrong. It is also a slap in the face to telecommunications providers like QWEST, which in the difficult days after 9/11, courageously refused to aid the administration's warrantless wiretapping efforts and questioned their legality.

Americans, who are deeply concerned about the secrecy and abuses of power that have marked this administration's years in office, and who are tired of learning information after the fact in our newspapers when whistleblowers leak it, deserve much better. This bill shreds the bipartisan principle that Americans should have their day in court—that accountability should be preserved to adjudicate competing claims and at last shed light on the administration's secret surveillance program. It is for these reasons, after all, that Senator SPECTER, the ranking member of the Judiciary Committee, refused to grant blanket amnesty and, as he put it, "undercut[] a major avenue of redress." If these lawsuits are shielded by Congress, the courts may never rule on whether the administra-

tion's surveillance activities were lawful.

An impartial court of law insulated from political pressure is the most appropriate setting in which to receive a fair hearing. That is a far cry from the U.S. Senate wiping the slate clean for the Bush administration. Everyone agrees, if the telecoms followed the law, they should get immunity, as Congress explicitly provided under the original FISA law. But our courts should decide, not Congress—and that is a matter of principle protected in the House's FISA bill.

There is today, as divided as we are, very much that we agree upon: We all want to prevent terrorist attacks, we all want to gather effectively as much intelligence as possible, and we all want to bring those who would attack us to justice before they strike us. But we undermine—not strengthen—our cause when we subvert our Constitution, throw away our system of checks and balances, and disregard human dignity. We also accept a false choice between security and liberty. There is no need to. That is why, yesterday, I stood up for the belief that the rule of law isn't just compatible with—but essential to—keeping our homeland safe. We owe Americans a better FISA bill.

EAST TIMOR

Mr. FEINGOLD. Madam President, I would like to take a moment to note the violent attacks which took place earlier this week on the President and Prime Minister of East Timor, or Timor-Leste as it is also called. The people of East Timor have experienced far too much violence for such a small nation and it is time, once again, for the world to renounce violence as a means to achieving any political agenda. I condemn such acts and urge all parties to seek legitimate peaceful—and political—means to ensure their voices are heard.

Earlier this week, President Jose Ramos Horta was shot by rebel soldiers. This band of rebels, led by the infamous Alfredo Reinado, attacked President Ramos-Horta outside his house. As a longstanding advocate of East Timor's self-determination, I have met President Ramos-Horta and am very troubled by this attempt to take his life and to undermine East Timorese stability and independence. President Ramos Horta is a Nobel Peace Prize winner and is known for his leadership of a nonviolent struggle against the Indonesian occupation. It is precisely because of these honorable principles that he has espoused, in the face of repeated violence, that I am doubly concerned by this recent attack. I am also worried that this violent act could affect the stability and progress of this young country and am pleased that Australia has agreed to send additional soldiers and police officers to address any unrest that might occur in the aftermath of this heinous attack.

I have followed East Timor's ongoing transformation very closely since the

disastrous crisis in the late 1990s and have been so pleased to see its successful transition from Indonesian occupation to a U.N. administration to an independent nation over the years. Certainly East Timor's path forward has not been free from challenges but it has moved consistently in the right direction. I have long supported a robust U.N. peacekeeping mission there, I pressed the administration to take a hard line with the Indonesia military as a result, in part, of its actions in East Timor, and I spoke out against the renewed unrest in 2006 which led to a collapse of many key institutions and once again required the international community to step in and play a key role in security reform.

We cannot overlook the significance of these attacks in East Timor as the country stands to chart a course for emerging democracies around the world. A stable East Timor sends a signal that the international community can work collaboratively and consistently for the betterment of a nation—and a people. East Timor has received significant multilateral support over the years and if it fails to develop into a fully functioning and stable democracy, we will need to reexamine what kinds of commitment our nation truly makes to young democracies striving to succeed. For these reasons, I hope this incident is little more than a blip on the radar for Ramos-Horta and that his recovery is a speedy one so he can return to the helm of leadership and finish his term as President.

CELEBRATING OREGON'S BLACK HISTORY

Mr. SMITH. Madam President, each Congress I rise to honor February as Black History Month. Each February since 1926, we have recognized the contributions of Black Americans to the history of our Nation. This month I want to celebrate some of the contributions made by Black Americans in my home State of Oregon.

The story of Abner Hunt Francis, a merchant from Buffalo, NY, is particularly moving. Francis, a man who gravitated to leadership, co-founded the Buffalo City Anti-Slavery Society in 1838 and organized local colored conventions throughout the 1830s and '40s in his native state. In 1851 he left the East Coast for the City of Portland in the Oregon Territory, expecting to encounter freer country on the American frontier.

Francis was disappointed to discover that despite the progressive attitude of its settlers, racist laws still encumbered Oregon Territory. It was not long after opening a boardinghouse that Francis's brother, O. H. Francis, was arrested. O. H. was detained in Portland on the grounds that men and women of color were not legally allowed in Oregon Territory, pursuant to an existing "exclusion" law. The case went immediately before a lower court, where it was decided that O. H. would